IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.3379 of 2007

(Vipul s/o Vijay Udapure v. Director of Technical Education, Maharashtra State, Mumbai, and another)

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	**Court's or Judge's orders**

Shri R.D. Wakode, Advocate for Petitioner.
Shri P.D. Kothari, AGP for Respondents.

Coram : A.H. Joshi & R.C. Chavan, JJ.
Dated : 7th August, 2007

1. Heard.

2. The case proceeds on the admitted facts as under :

(a) That the petitioner had applied for admission to Engineering Course and had appeared for both AIEEE as well as MH-CET Examinations through Centralized Admission Process (CAP).

(b) That the petitioner was allotted preference No.8 for AIEEE and preference No.12 for MH-CET.

(c) That the petitioner did not opt for either of the

preferences.

(d) That the petitioner did not confirm his admission on the said preferences and had decided to go for CAP Round-II.

(e) That the petitioner has not been permitted to enter the counselling in CAP Round-II.

3. Being aggrieved by the exclusion of the name of the petitioner from the list of eligible candidates, the petitioner has, approached this Court by filing this petition.

4. After hearing the learned Advocate for the petitioner at length, we find that the petitioner's candidature was struck off in view of the elimination clause quoted on pages 38 and 39 of the brochure, the copy whereof is placed on record by the petitioner. The said clause reads as under :

> “Stage-VII: Filling up of online option form and Confirmation of Online filled Option Form for CAP Round II.
>
> Eligible Candidates for CAP Round-II:
>
> The candidates whose names have appeared in the Maharashtra Merit List and AIEEE Merit list of CAP round-I published by the Directorate of Technical Education excluding the candidates who have:

* Secured an allotment in CAP Round-I, which was out of First Nine options.

* Secured an allotment in CAP Round-I, which was between options 10-20 and confirmed admission by reporting to the respective institute.

* Confirmed their admissions in any one of the Autonomous Institutes viz. VJTI Mumbai, UICT Mumbai, COE Pune, SGGS IE&T Nanded and WCE Sangli."

5. From the aforesaid clause, it is clear that the student gets eliminated from the selection process and allotment, if he was alloted a seat in CAP Round-I, which was out of First Nine Options, or was allotted a seat, which was between options 10-20, and if he had confirmed his admission. In view of this, we find that the petitioner has failed to avail of the seat allotted to him and, therefore, he has eliminated himself from the further procedure, viz. CAP Round-II.

6. In this situation, we find that the decision of the authority cannot be said to be erroneous. Therefore, no interference is called for in the impugned decision.

7. The petition stands dismissed.

JUDGE. **JUDGE.**

Pdl.